



**BURLINGTON  
ENVIRONMENTAL**

April 28, 1993

Mr. Doug Brown  
Hazardous Waste Permits Section  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

Re: Pier 91 Part B Permit Appeal, Proposed Revised Permit Language

Dear Doug:

Enclosed please find proposed revised permit language for permit conditions II.A.6 and II.A.12 of the Burlington Environmental Inc. (Burlington) Pier 91 Facility Part B permit.

This draft language is provided as a follow-up to discussions in our meeting April 7, 1993 with representatives of Ecology, EPA, and the Port of Seattle to discuss Burlington's Pier 91 Facility Part B permit appeal. Along with the draft permit language, I have included a brief rationale for the proposed revisions to supplement the information originally provided in our permit appeal dated August 21, 1992.

We look forward to discussing these and other remaining appeal issues with you at our next meeting on this subject, scheduled for May 12, 1993 at 9:00am in Burlington's corporate office. If you have questions or wish to discuss this in the meantime, please contact me at (206) 223-0500.

Sincerely,

Catherine L. Buller  
Senior Environmental Compliance Specialist

Attachment

cc: Stephanie Delaney, AAG/Ecology  
Doug Hotchkiss, Port of Seattle  
Gerald Lenssen, Ecology  
Carrie Sikorski, EPA

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ATTACHMENT  
APRIL 28, 1993

PROPOSED REVISED PERMIT LANGUAGE  
BURLINGTON ENVIRONMENTAL INC.  
PIER 91 FACILITY PART B PERMIT

Note: underlining indicates new language, strikethrough indicates deleted language.

II.A.6 EXEMPTION OF CERTAIN WASTESTREAMS FROM ANALYSIS

Suggested revised language:

II.A.6.c. The following wastes are exempt from the requirement of b. above, full characterization consisting solely of laboratory analysis:

i. Residue and debris from the clean up of spills or releases of:

A. A single known substance;

B. A commercial product;

C. Other material for which a MSDS or waste profile can be provided.

Rationale:

A similar permit condition in Part B permits for Burlington's Georgetown and Washougal facilities contains a much longer list of wastes exempt from full characterization by lab analysis. Ecology is correct in their original assumption that other exempt wastes listed in the Georgetown and Washougal Part B permits are not handled at the Pier 91 Facility, and therefore do not need to be listed as exempt from certain characterization requirements in the Pier 91 Part B permit.

However, the Pier 91 facility is capable of processing residue and debris from cleanups or releases of dangerous wastes in oil and coolant emulsions, industrial wastewaters, and industrial waste sludges. The facility should be allowed to continue handling these wastes under final permit status, as long as the waste can be fully characterized using one of the methods described in the proposed permit condition language.

## II.A.12 PCB ANALYSIS OF EACH INCOMING WASTE

Suggested revised language:

II.A.12. Each incoming shipment of dangerous waste from off-site facilities shall be sampled and analyzed using ~~in addition to~~ all appropriate primary and secondary analyses in accordance with Attachment C, ~~the PCB Analysis, as defined in Attachment CC, shall always be performed on non-aqueous phases.~~

II.A.17 The non-aqueous phase of each outgoing shipment of dangerous waste generated at the facility and shipped off-site for further treatment or disposal shall be sampled and analyzed for the presence of regulated concentrations of PCBs, using the PCB Analysis defined in Attachment CC.

Rationale:

Burlington does not intend to accept dangerous wastes with regulated concentrations of PCBs at the Pier 91 Facility. The procedures described below are designed to assure that no such wastes are received at the facility.

Burlington requires generators to sign a statement certifying that regulated concentrations of PCBs are not present in dangerous wastes they send to the Pier 91 Facility. In addition, a PCB screen is conducted on samples submitted for dangerous waste profiling, to check for the presence of PCBs in a generator's waste stream.

Final disposal of dangerous wastes containing PCBs is significantly more expensive than the cost for treatment or disposal of the dangerous wastes handled at the Pier 91 Facility. It is in Burlington's own financial interest to adequately screen for the presence of PCBs before material is shipped to the Pier 91 facility, and route PCB wastes to other Burlington facilities authorized by EPA as commercial storers of PCBs. For years PCB analyses conducted on outgoing dangerous wastes from the Pier 91 Facility have shown that regulated concentrations of PCBs are not present in these waste streams.

Burlington is concerned about delays in analytical turnaround time and the increased potential for releases to the environment if PCB analysis were required on the non-aqueous phases of all incoming shipments of dangerous waste from off-site facilities.

Results of PCB analysis are typically not available until 24 to 48 hours after sample submittal. All incoming waste shipments at the facility are bulk loads in tanker trucks, not drums of material which could be off-loaded into a check-in or holding area. These tanker trucks could be lined up and waiting for many hours or days while awaiting results of confirmatory sampling before transferring shipments into the facility's dangerous waste tanks. The loading/unloading pad at the facility is not designed to hold trucks for long periods of time simply because they are awaiting the results of PCB analysis. Trucks waiting for the results of this analysis would potentially be lined up elsewhere on Port of Seattle property, outside of Burlington's lease area and, in the event of spills or releases of dangerous waste from the trucks, outside of adequate secondary containment. We do not believe this scenario is adequately protective of human health and the environment, and further do not believe it is what Ecology intended when they originally drafted the permit condition now subject to appeal.

For each of the reasons discussed above, Burlington feels that the measures proposed in new permit condition II.A.17 will adequately safeguard against inappropriate management of regulated concentrations of PCBs at the Pier 91 Facility.